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5 Attorney for Defendant  
6 Portfolio Recovery Associates, LLC

7 IN THE UNITED STATES DISTRICT COURT  
8 SOUTHERN DISTRICT OF CALIFORNIA

10 SHARON I. MUNSON,

Civil Case No. **'15CV1172 CAB BLM**

11 Plaintiff,

**NOTICE OF REMOVAL**

12 v.

13 PORTFOLIO RECOVERY  
14 ASSOCIATES, LLC,

15 Defendant.

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1                   **TO THE CLERK OF THE UNITED STATES DISTRICT COURT:**

2                   PLEASE TAKE NOTICE that Defendant Portfolio Recovery Associates, LLC (“PRA”),  
3 hereby removes to this Court the state court action described below:

4                   1.       On or about April 21, 2015, Plaintiff instituted an action in the Superior Court of  
5 San Diego, North County, County of San Diego, which was captioned *Sharon I. Munson v.*  
6 *Portfolio Recovery Associates, LLC*, and assigned case number 37-2015-00013128-CL-NP-NC  
7 (A true and correct copy of Plaintiff’s Complaint is attached hereto as **Exhibit “A”**).

8                   2.       Upon information and belief, PRA has not been served with Plaintiff’s Complaint.

9                   3.       Plaintiff’s Complaint purports to allege federal causes of action against PRA for  
10 alleged violations of the Rosenthal Fair Debt Collection Practices Act, Cal Civ Code 1788, *et seq.*  
11 (“RFDCPA”) and the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”).

12                  4.       Because the allegations contained in Plaintiff’s Complaint arise under the  
13 Constitution, laws, or treaties of the United States, this Court has original federal question  
14 jurisdiction over this matter pursuant to 28 U.S.C. § 1331.

15                  5.       Removal to this Court is proper pursuant to 28 U.S.C. § 1441(a) since Plaintiff’s  
16 Complaint asserts claims against PRA under the RFDCPA and FDCPA.

17                  6.       Pursuant to 28 U.S.C. § 1441(a), the United States District Court for the Southern  
18 District of California is the proper venue for this action since this District encompasses San Diego  
19 County Superior Court, North County – the district and division within which the Complaint was  
20 filed.

21                  7.       Based on the foregoing, PRA has timely filed this Notice of Removal within thirty  
22 days of being served with the Complaint pursuant to 28 U.S.C. § 1446(b).

23                  8.       Pursuant to 28 U.S.C. § 1446(d), PRA shall file a copy of this Notice of Removal  
24 with the Clerk of the Superior Court of California, County of San Diego, North County, and shall  
25 serve Plaintiff with this Notice promptly after its filing.

1       **WHEREFORE**, Defendant Portfolio Recovery Associates, LLC hereby notices the  
2 removal of this case from the Superior Court of California, County of San Diego, North County, to  
3 the United States District Court for the Southern District of California pursuant to the provisions  
4 of 28 U.S.C. §§ 1331 and 1446.

5 DATED: May 26, 2015

By: /s/ Nathan A. Searles  
Nathan A. Searles

*Attorney for Defendant  
Portfolio Recovery Associates, LLC*

## PROOF OF SERVICE

I am over the age of 18 and not a party to this action. My business address is: 140 Corporate Boulevard, Norfolk, Virginia 23502.

On May 26, 2015, I served true copies of the following document(s), with all exhibits and attachments (if any):

## **(1) Notice of Removal**

by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Norfolk, Virginia, addressed as set forth below.

Conrad F. Joyner, Jr., Esquire  
P.O. Box 425  
San Luis Rey, CA 92068

I am readily familiar with the company's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 26, 2015, at Norfolk, Virginia.

/s/ Sonia Gomez

**Sonia Gomez**  
Portfolio Recovery Associates